✓ Preserve

App. F. IX-4

Previous References

1932.
(Muzrai)

File No. 207-3

Serial Nos. 1-4

Later References

General and Revenue Secretariat.

Serial Nos. 4.

Part B for April 34.

SUBJECT.

Appeal re the Devadaya inam lands endowed to the Karagada Devaru temple at Pedlandur village Bantwal Tk

---

To Mr N. V. Narasimhiengar
Advocate Bantwal

No 1412 of 26-4-34

Decline to interfere with
Concurrent orders of all courts

Sl 4

Mz appl no 190 of 32-33

General and Revenue Secretariat | Mz File No. | of 1932-3. | [App. F. III—2

Serial No.	
1	Petition of 13/3/33 filed by Messrs N. V. Narasimha & T. R. Srinivasa Iyengar Advocates on behalf of Ramanappa and Byrappa residing in Belamdur Village Venkatesh Hobli Bangalore Taluk appealing against the order of the Mz Revenue Commissioner in Mz Appl No 190/1932-33 in the matter of the Devadaya Inam lands at Belamdur Bangalore Taluk. (1) The appeal is presented in time & the petitioners sufficiently stamped. (2) The appeal memo has been filed. For orders of the Commissioner records may be called for. 5/4/33
	Fin. Sec. 25/3 3/4 (for Sec'y) (for Mr.) 5-4-33
	7/4
	S.) Records are forwarded
	11/4
2	Sent to M.C. Letter No 1447 of 12-4-33 Calling for the submission of records.

NOTE—Contn. Sheet.

WD 0216 —GPB—15,000—22-8-32

Muz appl 199 32-33 re: Devadaya Inam land endowed to the Kanagada devara temple at Bellandur village. Bangalore Taluk

File No. 207 of 1932 | General and Revenue Secretariat

Letter no 1142/32-33 dt 7.8.33 from 3. The Muzrai Commissioner submitting records connected with the appeal petition.

Kind reference is invited to Sl no 382 on pages 136 & 137 of the Quit-rent Register for reference. Old S. Nos 63 & 113/2, the former being dry & the latter wet, belonging to Sri Kanagada Maridevaru are the same evidence referred to in S.D.O's decision of 19.12-31. (Muz misc - 30 of 1930-31) who has held these Devadaya lands in question belong to the Inst[n] by Adikaras of the place. × R

In Appl No M.A. 11 of 31-32 × S preferred before the D.C. Bangalore, the S.D.O's order referred to above was upheld & the appl dismissed - In an appeal before the H.C. (Vide no Reg 32-33 of 6/12) it held that the appellants must establish their title for the lands in a civil Court and rejected the appeal - The finding in the three Lower Courts is in favour of the temple & is in favour of the temple authorities. × T

The appellants pray that they may be given an opportunity to argue the case - Please Send for orders if the Case may be posted for a hearing & the date

(Secy.) Posted 14/9/33

1662/1869

Posted to 19th Feb 34

2nd Member) 16.4.34

Advocate Request adjd adjourned sine die

Posted to 9.4.34

Case posted on 14th Feb 1934

Muzrai Appeal No. 19 of 32-33 regarding Devadaya Inam lands in Bellandur village, Varthur Hobli, Bangalore Taluk.

.....

Appellants Vs. Respondents.

1. Hanumanthappa
2. Byrappa

Rayiga, residing in Bellandur village, Bangalore Taluk.

...

N O T E.

On 2-5-1927 Thoti Raya, Mara and others of the Adikarnataka community of Bellandur village presented a petition to the Amildar, Bangalore Taluk, complaining that S.Nos. 14 and 73 of the village endowed to Sri Karagada Devaru were being enjoyed by one Byrappa archak of the Maligamma temple in the village and praying for steps being taken to have the Inam lands restored for the benefit of the Karagada Devaru temple, the building of which has been repaired at a cost of Rs.150 and in which archana was being regularly performed.

This petition was forwarded on 15-6-1927 to the Revenue Inspector for report. In Mahazar dated 15-6-1927 Bajjappa Reddi, Patel Chickvenkatappa & others have stated that one Mara of Adikarnataka community is the archak of Karagada Devaru temple, that Byrappa, archak of Maligamma temple, has been for the past 9 to 10 years enjoying the income of the Inam lands endowed to Sri Karagadadevaru, that there are no reasons why the archak of Maligamma temple should enjoy the Inam lands of the Adikarnataka Institution and that Byrappa should be dispossed of the Inam lands, the same being restored to the Karagada Mari

temple.

In his report dated 26-6-1927 the Revenue Inspector has stated that the Patta of the Inam lands is in the possession of Mara, the archak of Karagadadevaru temple, that the Patel and the Shanbhogue have been in the habit of getting this Patta from Mara for making entries whenever Byrappa tendered the jodi amount and that this is unfair.

The Amildar summoned both the parties, held a regular enquiry (vide Muz.Misc. case No.17 of 26-27), inspected the village on 25-9-1929 and reported on 30-9-1929 to the Sub Division Officer that Byrappa, the archak of Maligamma temple was dead, that his legal representative Abbaiya was no longer in need of these lands and that the Inam lands might be ordered to be restored to the Adikarnataka temple. The then Sub Division Officer (Mr. Abdul Khader) observed on 15-4-1930 that Sri Karagada Mari temple is the more ancient of the two institutions and agreeing with the Amildar ordered that the Inam lands be restored to Karagada Mari temple.

There-upon an appeal was preferred before the Deputy Commissioner, Bangalore, against the above order of the Sub Division Officer, and the Deputy Commissioner on 18-1-1931 (Muz.Appeal 8 of 29-30) remanded the case to the Sub Division Officer with the direction that the parties may be heard and orders passed, leaving the aggrieved party to come up in appeal. Accordingly the next Sub Division Officer (Mr.Abdul Hukh) heard

both the parties fully and held on 19-12-1931 (Muz. Mis.3 of 30-31) that the Inam lands belong to the Adikarnataka Institution and not to Maligamma temple.

On 11-1-1932 the aggrieved party viz., the appellants here before Government, went in appeal to the Deputy Commissioner who on 16-9-1932 after hearing both the sides held that the Sub Division Officer's decision was correct and dismissed the appeal. Against this order they appealed to the Muzrai Commissioner who on 9-12-1932 rejected the appeal, holding that the appellants may establish their right in a Civil Court. It is against this decision of the Muzrai Commissioner that the present appeal has been preferred before Government. The appellants claim the land for their temple viz., Maligamma temple (P.U.D.) and the grounds urged by them are virtually the same as those found in their appeal before the Muzrai Commissioner (Flag T-Records). No. Additional grounds have been adduced now.

All the officers from the Amildar to the Muzrai Commissioner have held that the Inam lands are the property of Karagada Devaru temple of Adikarnatakas.

14/2/34

Mus Appl No 19 of 32-33 re: claiming Devadaya Inam lands for Thilegaumeshwara Temple at Bellandur which had been endowed to Kaveragadamaniveppa at the place

General and Revenue Secretariat — Mus File No. 20 of 193 — [App. F. III—2

Serial No.

The Case was called on 9th April 1934 The appellant with his Counsel was present and was heard - The respondents was present in person and heard - Order reserved

Spr 9/4/34

Order

6432/1914

I decline to interfere with the concurrent orders of all the Courts below

Spr 18/4 9/4/1934

20/4 Spr order

Spr 20/4/1934

TYPING SECTION. 24. APR. 1934 GENL & REV SEC

4 No 1412 of 26/4/34 to Mr N. V. Narasimhiengar forwarding Copy of the decision in the appeal case returned to herein.

No 1413 of 26.4.34 to Mr Rajiga The Respondent

No 1414 of 26.4.34 to the Mysore Commissioner returning records in the subject.

B 2874

NOTE—Contd. Sheet

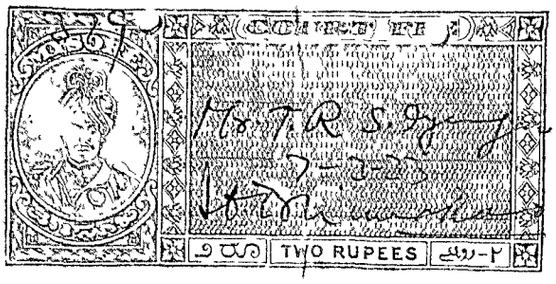
WD 0434—GPB—15,000—12 10-33

File No. of 193 .

General and Revenue Secretariat

Serial No.	

Muz 207-32-1



Supplied 6/14/3

BEFORE THE GOVERNMENT OF H.E. THE MAHARAJA
OF MYSORE, BANGALORE.

Muzrai Appeal No. 19 of 1932-33.

Appellants:	Respondent:
1. Hanumappa	Rayiga(petitioner) residing in Bellandur village, Varthur Hobli, Bangalore Taluq.
2. Byrappa,(Opponents) residing in Bellandur village, Varthur Hobli Bangalore Taluq.	

Under Section 38, para..... of Regulation VII of 1927.

The appellants abovenamed respectfully beg to appeal to the Government against the order of the Muzrai Commissioner in Mysore dated 15th December 1932 in Appeal No. 16 of 1932-33 rejecting the appeal of the appellant and confirming the order of the Deputy Commissioner in the matter of the Devadaya Inam lands at Bellandur, - Bangalore Taluk, on the following among other grounds :-

1. The Muzrai Commissioner erred in -

summarily

summarily rejecting the appeal of the appellants without hearing either the appellant or his advocate.

2. The conclusion of the Lower Courts that the Inam lands in question had been granted to the Karagada Devaru temple of the Adi-Karnatakas at Bellandur is opposed to the Inam Settlement records and several other circumstances in the case and is not supported by any direct evidence in the case.

3. The Inam Settlement Exhibit III was given by Pujari Munnappa as Pujari of the Vokkaligars' temple, that is, the appellants' temple, but not in any other capacity. The temple for which the Inam was granted and confirmed at the Inam Settlement, is described as a stone building of ten anhanams and is named Karagada Mari temple. It is admitted and proved that the temple of the Adi-Karnatakas(Respondents) is of three anhanams only and was originally thatched and latterly converted into a tile-roofed building and Karagada Devaru. It will thus be seen that the temple of the Respondents differs entirely from the temple ~~from~~ referred to in the Settlement records, in name and in the nature of the building and its extent.

4. It is admitted that the lands have all long been in the possession of the pujaries of the appellants' temple but never in the possession of the di-Karnatakas(Respondents).

5. The specific theory of lease set up by the Respondent in the evidence to explain the admitted long and continued possession of the Pujaries of the appellants' temple, is not believed by both the Subdivision Officer and the Deputy Commissioner, and further it is also opposed to the allegations in the Respondent's application on which the enquiry was started. Both the officers erred in introducing the new theory of "Vicharanakarta" for which there is no basis either in the pleadings or in the evidence.

6. The burden of proof was upon the Respondent and he having failed to discharge the same, and the case set up by him being quite improbable, the party in possession viz., the appellants' temple must be declared to be the owner of the Inam lands.

7. The appellant has proved by oral and documentary evidence that the Inam lands had been granted to the appellants' temple and they have been in continuous

possession

[illegible] appel-
[illegible] possession of the [illegible] is il-
legal.

[illegible] have been [illegible] appel-
[illegible] and [illegible] of [illegible]
[illegible] [illegible] collusion [illegible]
[illegible] [illegible].

[illegible] the [illegible] and
[illegible] [illegible], and [illegible]
continued possession of the Inam lands
and other circumstances, all point to the
conclusion that the Inam lands have been
granted to and belonged to the appellants'
temple.

10. The appellants respectfully pray that the Government may be pleased to give the appellants an opportunity to argue the case and pass orders setting aside the orders of the Lower Courts and confirming the Inam lands to the appellants' temple.

Bangalore,
13.3.1933.

Advocates for
Appellants.

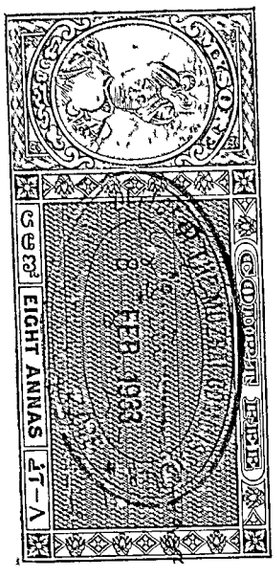
No. 2. H.C.S. THE HIGH COURT OF 13 APR

1147 12-4-33

Forwarded with enclosures, to the Secretary to Government for submission of petition to the Government with the connected papers.

1114/32-33

1114 33



11

Office of the Muzrai Commissioner in Mysore

No Appl. 16/32-33.

Dated Bangalore 15th December 1932

Endorsement granted to Hanumappa, Residing in Bellandur village, Varthur Hobli, Bangalore Tk in reply to his Petition Register No as per margin

Petition Register No. App. 16/32-33.

dated. 25-11-32

Subject:- Appeal against the order of the Deputy Commissioner Bangalore Dt. in the matter of Devadaya Inam lands at Bellandur, Bangalore Tk

---

The Petitioner is informed that his appeal is rejected as the Deputy Commissioner's order calls for no interference.

(Sd) S Hiranmayya

(Sd.) ~~T Ramaiya~~

~~I~~ Muzrai Commissioner

Copy applied on 19.12.32.

Copy delivered on.

Copying fees 0-2-0.

Comparing fees 0-0-4.

Copied by W. Hanumanth.

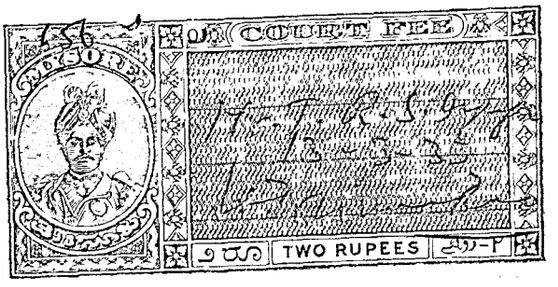
Compared by S. [illegible]

Copy"

[illegible]

Manager.

N. V. NARASIMHA IYENGAR, B A., B.L.,
AND
T. R. SREENIVASA IYENGAR. B A., LL B.
ADVOCATES.



In the Court of The Govt. of His Highness the Maharaja of Mysore.

In re Rai appeal NO.....OF 1932-33.

Appellants :-		Respondent
Hanumappa	Vs.	Rayappa
and Byrappa		

We the appellants above named do hereby nominate and appoint Messrs. N. V. Narasimhaiengar, B.A., B.L., and T. R. Srinivasa Iyengar, B.A., LL.B., in the above suit and do hereby empower the said advocates to appear for and on our behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe their names to any document which they may deem proper, to execute any decree that may be passed on our favour and to receive out of the said Court any sum of money which may be lodged or become payable or receivable on our behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit to appoint one or more substitute or substitutes and to act and perform all other matters and things relating to or connected therewith, to represent us in matters relating to the same and to act in the premises as fully and effectually to all intents and purposes as we might do if personally present and did the same. And we do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow ratify and confirm all and singular whatsoever the said advocates shall lawfully do or cause or procure to be done in the premises by virtue of these presents.

In witness whereof we have hereunto set our hand this 13th day of March 1933.

ACCEPTED M. Narasimhaiengar
T. Srinivasa Iyengar
advocate for appellants

Signed before me by the executant who our *known to me*

B. S. Iyengar, Printer, B.-City.

No. 1142 Enc 3 files 32-33 OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,.... 2nd August ..... *1933.*

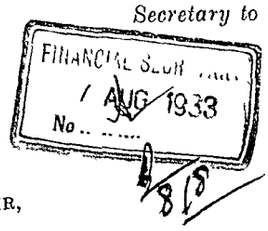
7

FROM

S. HIRIANNAIYA, ESQ., M.A., B L.,
Muzrai Commissioner in Mysore,
Bangalore.

To

A. N. Raghavachar, Esq., M.A., Mis 207-32-3.
Secretary to the Government of His Highness
the Maharaja of Mysore,
F..i..n..a..n..c..i..a..l ...*Department.*



13

SIR,

With reference to your Memo No.1447/Muz. dated 12-4-33 calling for the records connected with the appeal of Hanumappa and another in the matter of the disposal of the Devamaya Gram lands endowed to the Karagadadevaru temple at Bellandur village Bangalore Taluk, I have the honor to forward herewith the entire records received with the Bangalore District Deputy Commissioner's letter No.C3-4423/32-33 dated 18-7-33 (copy enclosed) and to state that the facts of the case have been explained in the Deputy Commissioner's file No.M.A.11/31-32 dated 20-9-32 and this office file No.App.16/32-33 dated 15-12-32 enclosed in the records.

The appeal petition with its enclosures is returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

for Muzrai Commissioner.
(Absent on casual leave)

BELUR SRINIVASIENGAR, B.A.,B.L.,
ADVOCAT MEMBER LEGISLATIVE COUNCIL &

OFFICE : " CHANDRASALA ", CHICKPET
RESIDENCE : " RANGAVILASA ", NEW EXTENSION

ARY
3

Letter No.63-4423/32-33 dated 18-7-33 from the Deputy Commissioner, Bangalore District to the Muzrai Commissioner in Mysore

---

I have the honor to forward herewith the file of vernacular records connected with the appeal of Hanumappa about the disposal of the Devadaya Inam lands endowed to the Karagadadevaru at Bellandur village, Bangalore Taluk as called for in your official memorandum No.1142/32-33 dated 20th April 1933.

This office file No.M.A.11/31-32 containing a note on the facts of the case is also enclosed herewith for reference.

The appeal petition with its enclosures is returned herewith as desired in your official memorandum referred to above.

"COPY"

For Muzrai Commissioner.

BELUR SRINIVASIENGAR, B.A., B L.,
ADVOCATE, MEMBER LEGISLATIVE COUNCIL &
REPRESENTATIVE ASSEMBLY & MUNICIPAL COUNCILLOR
CHAIRMAN, SCHOOL BOARD, CITY MUNICIPAL AREA

OFFICE : " CHANDRASALA ", CHICKPET
RESIDENCE : " RANGAVILASA ", NEW EXTENSION

Ref. No. —

Bangalore City 28, Oct. 1933

To

The Chief Secretary,
to the Government of His
Highness the Maharaja of
Mysore, Bangalore.

Sir,

I am appearing for the Respondent in Muzrai Appeal No. 19 of 32-33. I herein enclose the Vakalat and Copy Application in the above case.

I have been suffering from fever for the last two days. I am unable to attend the Court to-day. I pray for an adjournment.

I request that my absence may kindly be condoned.

Yours Obediently,

Belur Srinivasiengar

Indian Press, B. City.

COURT FEE 699 TWO RUPEES

In the Court of

BEFORE THE SECRETARY, OF FINANCE
(MUZRAI) TO THE GOVT. OF MYSORE -
HIGHNESS THE MAHARAJA OF MYSORE.

Muz appl No. 19 of 1932 —1933 .

Appellant ~~*Plaintiff*~~		*Respondent* ~~*Defendant*~~
Hanumappa	**Vs.**	Rayiga

I I the Respondent above named do, by these presents, return

Messrs BELUR SRINIVASIENGAR, B A , B L
~~and N RAMA IYENGAR, B A , L L B .~~, Advocates

to appear and conduct the above case on my behalf to judgment

2. .... I ..... further empower them to do all necessary acts in the above case, to execute any decree or order that may be passed in .. my behalf and to receive from the Court all documents, refunds and all sums of money that.. .... I .. may be entitled to get and grant receipts therefor

3 .... I .....also undertake to confirm and ratify all the acts done by the said Advocates or by any other Advocate on their behalf in so doing

27/10/ 1933,
BANGALORE

L T Mark of
Rayiga

Personally known to ~~us~~ me *and signed in* ~~our~~ my *presence* — ACCEPTED

By

Advocates

Advocates for Respondent

Indian Press, B. City.

GENL. & 1155

18

Presented by the respondent in person after hearing the case

To,

The Second Member in Council,

Government of Mysore,

BANGALORE.

Re:Muzroi Appeal 19 of 32-33.

98 9/4

The Respondent begs to state as follows:-

1. That the above Muzroi appeal is posted for hearing today.

2. That the Respondent learnt from his Counsel's Office that the Counsel cannot attend the court.

WHEREFORE the Respondent most respectfully prays that he be granted some time to engage another counsel and instruct him.

BANGALORE
9-4-34.

RESPONDENT.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE.

19

Muzrai Appeal No. 19 of 1932-33

Appellants	Vs.	Respondent.
1. Hanumappa 2. Byrappa ([redacted]) residing in Bellandur village, Varthur Hobli, Bangalore Taluk.		Rayiga, Bellandur village, Varthur Hobli, Bangalore Taluk.

SUBJECT.

Appeal against the orders of the Muzrai Commissioner in Muz/16/32-33 on the file of his Court rejecting the appeal claiming the Devadaya Inam lands in Bellandur Village for the temple of Sri Kaligamma at the place.

The case was called on 9th April 1934. The first appellant with Mr. N. V. Narasimha Iyengar, B.A., B.L., Advocate was present and was heard and the respondent was present in person and was heard.

ORDER

Government decline to interfere with the concurrent orders of all the courts below.

B Venkatachar
for Financial Secretary to Government.

No 1412/Muz 204-32-48 dy 26/4/34
Copy to Mr. N. V. Narasimhiengar Advocate for the appellants.

No 1413 dy 26/4/34.
Copy to Rayiga the respondent.

No 1414 dy 26/4/34. Copy to M.C. Dharwar for information and necessary action.

psk.7

No. 1414 of 1981/82. Date 22-12-81

Shri Vijay Kumar Malhotra ... Petitioner

Versus

Union of India & others ... Respondents

No. 1415 of 1981/82. Date 22-12-81

Shri Vijay Kumar Malhotra ... Petitioner

Versus

Union of India & others ... Respondents

(G)

Before the Government of His Highness the Maharaja of Mysore.

Mus Appeal No. 19 of 1932-33

Appellant.	Vs.	Respondent
1 Hanumakka 2 Byrakka (Optiones) residing in Bellandur Village. Varthur Hobli Bangalore Tq.	Subject.	Rajiga Bellandur Village Varthur Hobli Bangalore Tq.

Appl against the decision of the M.C. in Misc. Case 16/32-33 on the file of his Court rejecting the appeal preferred Claiming the Devadaya Inam land in Bellandur Village for the temple of Sri Mariyamma as the Pujaree

The Case was called on 9th April 1934. The first appellant alone with her N. V. Narasimhiah Bar-at-Law Advocate was present & heard & the respondent was present in person and was heard.

Order

GPB—1,000—8-8-11

-to decline to interfere with the concurrent
orders of all the Courts below.

94

1413 / MG 207-32-4 & 26-4-34
Copy to Mr. N. V. Varadarajan ... Advocate
for the appellants.

B. O
L VB/4
for H/Sec

1413 & 26.4-34
Copy to Mr. Rayiga, the respondent,
residing in Bellandur Village -
Varthur Hobli Bangalore TK.

B-O
L VB/4
for H/Sec

1413 / & 26-4-34 Lr. to Dist. records
Copy to M.C. Channapatna records
received with his letter no 1142 &
7-8-33. on the subject.

B. O
L VB/4
for H/Sec

GS 4/5
28/4
L VB/4